

Senator Ervin's Hearings

The hearings on invasion of privacy conducted last week, and due to be continued this week, by the Senate Judiciary Subcommittee on Constitutional Rights afford a fine example of how useful a congressional investigating body can be in exposing and exploring a public problem. The subcommittee has not attempted to prosecute or pillory individuals; it has not pretended that it was a court or sought to punish by publicity people who could not be punished by due process of law. Under the chairmanship of Sen. Sam Ervin, the subcommittee seems to be observing the same high standards and the same concern for individual liberty it had in its early years under the late Tom Hennings.

Government snooping is an ancient evil. It is an evil compounded now by the development of mechanical memories—data banks, as they are called—which squirrel away and interrelate bits and pieces, globules and whispers, of information, some of it accurate, some of it mistaken, ready to be resurrected, perhaps entirely out of context, at any moment in the future. The danger in this was summed up well enough in testimony before the subcommittee by Burt Neuborne for the American Civil Liberties Union: "The wedding of sophisticated information-gathering techniques with computerized information storage and dissemination systems has created, for the first time, a very real danger that the sense of privacy which has traditionally insulated Americans against the fear of state encroachment will be destroyed and be replaced, instead, by a pervasive sense of being watched. The emergence of such a police state mentality could mean the destruction of our libertarian heritage."

The glimpses that have been allowed the public of some of the unchecked "raw files" amassed by the FBI and by the House Committee on Un-American Activities afford a warning of how much misleading trivia, how much venomous mendacity can be collected by indiscriminate encouragement of unverified allegations—not even subjected to denial

or refutation by the accused. And even the kernels of truth in such dossiers may be deceptive when reviewed in an altered climate of opinion. Worst of all, perhaps, the mechanical memories deny the possibility of redemption—or of what is more human, forgetfulness and forgiveness. "It is clear," Senator Ervin himself remarked in a recent speech about invasions of privacy, "that in our national quest for technological efficiency, we may have so hemmed our individual lives with yesterday's errors that we may yet foreclose the chance to start anew in our society." Most of us at one time or another have said or done things which we may legitimately hope will never be recalled.

Senator Ervin sees the growing pervasiveness of government surveillance and intelligence gathering, the growing compilation of dossiers made menacing by computerized recall as invasions of privacy which may have two evil consequences. One of these consequences, as he sees them, is a threat to the development of human potentialities, a deprivation of "freedom to be an individual, to express his personality." The other is that "the free exchange in the market-place of ideas, so essential to our form of government, must certainly be limited when citizens know their demonstrations or their letters or expressions of complaint may make them objects 'of interest' to government." Senator Ervin wants to counter these threats through a protection of privacy by law.

This is a wonderfully becoming and appropriate concern for a congressional investigating committee. How useful the Committee on Un-American Activities could have been if instead of sniffing everywhere for subversion—as though the American people couldn't be counted on for loyalty to their own country—they had discerned and sought to expose the real threats to Americanism arising out of pressures for conformity and orthodoxy. The Senate Subcommittee on Constitutional Rights is rendering a real service to the real sources of American security.